

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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RONNIE DIXON SINER (06-B-1671)

Plaintiff,

v.

SHERIFF VOULTURE, et al.,

Defendants.

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**DECISION AND ORDER**

08-CV-00841(M)

Defendants' motion [44] to dismiss the complaint due to plaintiff's repeated failures to appear for his scheduled deposition is denied. However, plaintiff's continued frustration of the discovery process will not be tolerated. As agreed by the parties at today's proceeding, plaintiff's deposition is rescheduled for **Thursday December 16, 2010 at 10:00 a.m.**, at the offices of Hurwitz & Fine, P.C., 1300 Liberty Building, Buffalo, NY 14202. Plaintiff is hereby warned that if he fails to appear for the deposition without a truly compelling reason, his complaint will be dismissed, on the merits.

**SO ORDERED.**

Dated: November 22, 2010

  
JEREMIAH J. MCCARTHY  
United States Magistrate Judge